

REMARKS

It is noted with kind appreciation, that the Examiner's rejection of the claims under 35 U.S.C. § 102 have been withdrawn.

Claims 1-9 have been rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which the Applicant regards as the invention. This rejection is respectfully traversed.

Claims 1-9 are considered indefinite by the Examiner because no specific composition for the materials set forth in the claim. The Examiner notes that an article characterized by physical properties alone and with no specific composition is considered vague and indefinite. However, the Examiner does agree that the invention should not be restricted by specific embodiments. Thus, as a compromise, the Examiner believes that a general composition and not a specific composition must be present in the claims. Accordingly, the Examiner has suggested adding to the end of the independent claims the expression "wherein the ink composition comprises a binder and a crystalline thickener". The Examiner believes that such an amendment would overcome the rejections of the claims under 35 U.S.C. § 112. However, the Applicants believe that the restriction suggested by the Examiner pertains only to certain embodiments of the invention. See, for example, Table 2 (inks according to the invention), Ink No. 9 which clearly shows that this ink does not contain a binder in the sense of the present application. Indeed, the Examiner is right in her observation that at least part of the ink should be of a crystalline nature. However, the description in the present

application makes clear that part of the ink could also be amorphous (see page 6, line 1), but also that the ink can be completely crystalline (see page 6, line 20). Thus, based upon the description in the present application, it is clear to one skilled in the art that the inks according to the present invention comprise a meltable fraction (see page 16, line 27), having at least a crystalline part and optionally an amorphous part. Although not explicitly described, it is common knowledge that both parts can be united in one single material, for example, in a block copolymer. Therefore, the inks according to the present invention should not be restricted to a composition comprising at least two separate materials. Accordingly, it is proposed to add to independent claims 1 and 7, the expression “wherein the ink composition comprises a meltable fraction containing at least a crystalline part and optionally an amorphous part”. It is believed that this addition to the claims clearly reflects the intent of the Applicants of the present application and accordingly, reconsideration of the rejection of the claims and allowance of all of the claims in the present application are respectfully requested.

In the event that the proposed amendment does not place the application into condition for allowance, entry thereof is respectfully requested as placing the present application into better condition for appeal.

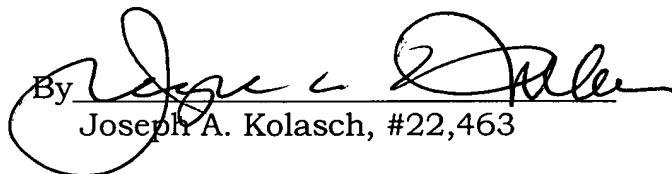
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch (Reg. No. 22,463) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Joseph A. Kolasch, #22,463

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

JAK/adt  
0142-0418P

Attachment(s)